IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 685 (MS) OF 2006

Sarar Dass, S/o Sri Ram Saroop.
Mount Rose Compound,
Tallital, Nainital. .....Petitioner.

Versus

Secretary,
Lake Development Authority,
Nainital. .....Respondents.

Dated: 09.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Manoj Sah, Advocate for the petitioner and Sri Shobhit Saharia, Advocate for the respondent. Both the parties have agreed that let the writ petition be finally disposed of at admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent to decide the representation of the petitioner (Annexure No. 2 and 3 to the Writ Petition).

Briefly stated, according to the case of the petitioner, by way of registered sale deed dated 13.10.1984, he has purchased a plot No. 4 Block "C" at Mount Rose Compound, Tallital, Nainital from Kunwar Prithivijeet Kumar and constructed his house over that plot in or about 1992.

Petitioner has complained that the adjoining owner namely Sri Nand Lal Gupta is making construction over the plot damaging the building of the petitioner.

According to the petitioner, he has made representations on 8th May, 2006 and 26th May, 2006 regarding illegal constructions.

The respondent, therefore, is directed to dispose of the representation filed by the petitioner within a period of four

weeks. Petitioner has prayed for maintaining status quo, I am not inclined to pass the order on account of the alternative remedy available to the petitioner by filing the application before the respondent or by filing a suit.

However, it is made clear that if the petitioner files an application before Secretary Lake Development Authority, Nainital, he shall pass appropriate orders.

Further the petitioner may also approach the civil Court for his grievances, who shall pass appropriate order in accordance with law.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

Copy of the order to be given within three days.

(Rajesh Tandon, J.)

09.06.2006
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